

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hosheng Tu et al.
Appl. No : 10/706,300
Filed : November 12, 2003
For : OCULAR IMPLANT WITH
THERAPEUTIC AGENTS AND
METHODS THEREOF
Examiner : Leslie R. Deak
Art Unit : 3761
Conf # : 5751

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May 1, 2008

(Date)

William H. Shreve, Reg. No. 35,678

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request to add Olav B. Bergheim and Morteza Gharib as joint inventors in the above-identified patent application.

The following are being submitted:

- (1) A request to correct the inventorship in this paper;
- (2) Statement from Olav B. Bergheim that the inventorship error occurred without deceptive intention on his part;
- (3) Statement from Morteza Gharib that the inventorship error occurred without deceptive intention on his part;
- (4) A copy of the Declaration from grand-parent U.S. Patent Application No. 09/549,350 (the '350 application), filed April 14, 2000, which lists Olav B. Bergheim and Morteza Gharib as inventors.
- (5) The processing fee set forth in § 1.17(i).

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The present application claims priority to, among others, and is a continuation-in-part of U.S. Patent Application No. 10/395,633 (the '633 application), filed March 21, 2003, which is a continuation of the '350 application (now U.S. Patent No. 6,638,239 B1).

Co-pendency existed between the '350 application and the '633 application (which also lists Olav B. Bergheim and Morteza Gharib as inventors). Co-pendency also existed between the '633 application and the present CIP application, filed on November 12, 2003, which mistakenly omitted Mr. Olav Bergheim and Dr. Morteza Gharib from being named as inventors.

This petition and supporting documents are being submitted to correct this inadvertent error and such correction is most earnestly solicited.

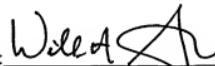
CONCLUSION

For the foregoing reasons, it is respectfully submitted that Applicants have properly requested correction of the inventorship of the above-identified application. The undersigned has made a good faith effort to comply with all the rules relating to the correction of inventorship. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 1, 2008

By: 
William H. Shreve
Registration No. 35,678
Attorney of Record
Customer No. 20995
(949) 760-0404

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STATEMENT OF MORTEZA GHARIB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Morteza Gharib, do declare as follows:

1. I am a citizen of the United States of America residing at 556 South Berkeley Avenue, San Marino, CA 91108.

2. The above-referenced patent application was filed on November 12, 2003, listing Hosheng Tu, Barbara Niksch, David Haffner and Gregory Smedley as the inventors.

3. I believe that I, Morteza Gharib, should also be named as an inventor in the above-referenced application.

4. I believe that the error in inventorship occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 4/15/08



Morteza Gharib

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT OF OLAV B. BERGHEIM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Olav B. Bergheim, do declare as follows:

1. I am a citizen of Norway residing at 27722 Deputy Circle, Laguna Hills, CA 92653.
2. The above-referenced patent application was filed on November 12, 2003, listing Hosheng Tu, Barbara Niksch, David Haffner and Gregory Smedley as the inventors.
3. I believe that I, Olav B. Bergheim, should also be named as an inventor in the above-referenced application.
4. I believe that the error in inventorship occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 4-15-08



Olav B. Bergheim

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DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR TREATING GLAUCOMA; the specification of which was filed on **April 14, 2000** as Application Serial No. 09/549,350.

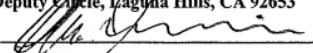
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Olay B. Bergheim**

Residence: **27722 Deputy Circle, Laguna Hills, CA 92653**

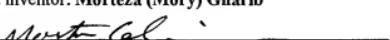
Inventor's signature 

Date **8-28-00**

Citizenship: **Norway**

Post Office Address: **Same as Above**

Full name of second inventor: **Morteza (Mory) Gharib**

Inventor's signature 

Date **Sept 20, 2000**

Residence: **556 South Berkley Avenue, San Marino, CA 91108**

Citizenship: **United States**

Post Office Address: **Same as Above**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995